

*Betty J. Lund**Wendy C. May*

UNRECORDED

RESOLUTION NO. 647

RESOLUTION TO CREATE A ZONING DISTRICT

WHEREAS, a petition was received from 71% of the owners of the real property in the Mittower Road area, requesting that the BOARD OF COUNTY COMMISSIONERS of Ravalli County create a zoning district with certain regulations; and

WHEREAS, a public hearing was held on March 4, 1993 to take comment on the proposed district and regulations; and

WHEREAS, A "Notice of Intent to Create a Zoning District" was published in the Bitterroot Star on March 24 and March 31, 1993; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS, Ravalli County, Montana, waited 30 days after the first publication of the "Intent to Create a Zoning District"; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS, received one letter from the freeholders in the proposed district in opposition to the proposed zoning district; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS of Ravalli County has determined that the creation of said district is in the best interest of the citizens within the proposed district and Ravalli County;

NOW THEREFORE BE IT RESOLVED that the BOARD OF COUNTY COMMISSIONERS of Ravalli County establish a zoning district and regulations for that district as described herein, in accordance with provisions of Section 76-2-205, M.C.A.

This zone is designed to provide a uniform plan for the future evolution of the whole of said property and shall run with the land. The purpose of this zoning district is to preserve the semi-agricultural atmosphere of the district and to encourage agricultural and low density residential uses. The purpose of this district is to conserve and protect open land uses, foster orderly growth and prevent urban and agricultural land use conflicts.

DEFINITIONS

For the purpose of this ordinance these regulations, certain words and terms are herein defined:

ACCESSORY BUILDING: A structure that is clearly incidental and subordinate to and customarily found with a principal use.

ACCESSORY USE: A use incidental or accessory to the principal permitted use of a land parcel or building.

AGRICULTURE: The activity of ground cultivation, including raising and harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and the like. Feed lot operations are not included herein.

FAMILY: One or more persons occupying a dwelling unit as a member of a single, nonprofit, housekeeping unit. No more than five members may be unrelated by either blood, marriage or adoption.

FEED LOT OPERATIONS: Any property on which ten (10) or more cattle, swine, sheep, goats, horses, or the like, are held or contained for feeding and care in preparation for market and where more than 65% of the feed for such animals is supplementally provided from off premises. Short term holding pens used for weaning, loading, branding etc. are not included.

HOME OCCUPATION: An occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence, accessory building, and the following are listed as examples: "Bed and Breakfast" business conducted within the principal residence, home dressmaking or millinery and similar handicrafts, cottage industries of woodworking, jewelry, diverse hand crafting, and musician or artist and teaching of same.

JUNK YARD: Land or buildings where waste, discarded or salvaged materials are brought to be stored, sold, exchanged, cleaned, packed, processed, disassembled or otherwise handled.

KENNEL: A place where six (6) or more adult animals such as dogs, cats, etc. are kept commercially.

LAND PARCEL: A lot which has been recorded in the office of the Clerk and Recorder of Ravalli County, Montana, as of the effective date of this resolution or which is created consistent with these regulations.

MODULAR HOME: A manufactured residential dwelling unit built off-site and delivered as a unit or in major components to the site. A structure designed for permanent installation upon a foundation.

MOBILE HOME: A self-contained factory built residential dwelling intended for permanent occupancy and designed for transport upon its own chassis to a building site to be set-up with or without a permanent foundation.

NONCONFORMING LAND PARCEL: A land parcel less than ten (10) acres in size.

NONCONFORMING USE: A use that does not conform with the use standards established for the district in which it is located.

NONCONFORMING SIGN: A sign that does not conform with the use standards established for the district in which it is located.

NONCONFORMING STRUCTURE: A structure that does not conform with building standards established for the district in which it is located.

NUISANCE: Any use, activity, or structure that interferes with the use or enjoyment of adjacent property, endangers personal health or safety, or is offensive to the senses, said nuisance being particularly described in M.C.A. 27-30-101 and/or 45-8-111.

RECREATIONAL VEHICLE: A vehicle or portable structure to be moved under its own power or towed for the purpose of providing temporary shelter during travel or recreational use.

SIGN: Any outside advertising device designed to inform or attract attention and that is permanently mounted to the ground or attached to or painted upon a building or structure.

SUBSTANTIALLY DESTROYED: A structure is substantially destroyed when the cost of reconstruction exceeds sixty (60) percent of the fair market value of the structure at the time of its destruction. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures.

VARIANCE: A grant of relief from the strict application of these regulations that would permit development in a manner otherwise prohibited.

DISTRICT BOUNDARIES

The District includes the following lands located in Township 8 North, Range 20 West, Principal Meridian, Montana:

Section 7:	NE 1/4
	SE 1/4
	SW 1/4
Section 8:	All lying west of U.S. Highway 93
Section 17:	All of NW 1/4 lying west of U.S. Highway 93
Section 18:	NE 1/4 NE 1/4
	SE 1/4 NE 1/4
	Parcel A-1, COS 4554-A
	NW 1/4 NE 1/4, Less Tract E of COS 4554-A
	NE 1/4 NW 1/4, Less Tract E of COS 4554-A

The boundaries of this district are described in Exhibit 1 and graphically depicted in Exhibit 2. Where the legal description on Exhibit 1 deviates from the map in Exhibit 2, Exhibit 1 shall control.

PERMITTED USES

1.

One (1) single family residential dwelling may be erected on any land parcel. Types allowed include conventional homes, or modular homes as defined herein.

2.

Agriculture as defined herein and further described as follows:

Poultry operations not to exceed 75 animals; aviaries; apiaries; worm farms; hatcheries for fish; grazing; harvesting of field, tree or bush crops. Animals and livestock including a maximum of 4 swine and 4 goats may be kept by any owner, provided they are consistent in number with the size of the property and are not kept, bred or maintained in such a manner that they may become a private or public nuisance as herein defined.

3.

Commercial activities which are consistent with and permitted by performance standards and/or zoning regulations which may be adopted by Ravalli County to control development along the U.S. Highway 93 corridor and are not specifically listed as a prohibited use in these regulations may be conducted in an area 350' wide adjacent to the west right-of-way line of said highway. Until such time as said additional regulations are adopted, only those commercial activities allowed in the balance of the district may be conducted in this frontage area.

PERMITTED ACCESSORY USES

1.

One (1) guest home, employee or caretaker's quarters may be constructed on a land parcel in addition to the primary residence. Such quarters shall be permanent in nature. Erection and use of structures incidental to permitted uses such as barns, storage sheds, stables, workshops, private garages and the like, provided that they not be used by individuals other than the owner or tenant of the premises or their employees or guests.

2.

Home occupations as described herein and meeting the following guidelines:

A. Activities shall be carried on only within a residence or accessory building.

B. Activities shall involve only immediate family members occupying the home, and employment of not more than one non-family member; and

C. There shall be no exterior storage of materials or equipment or any other outward indication of the occupation which would detract from the agricultural or residential character of the property.

Home occupations are specifically interpreted not to include: machine shops, auto repair or body shops, restaurants, grocery stores, recreational vehicle parks, or any activity generating excessive noise or a volume of traffic not customary to a residential neighborhood, or otherwise constituting a nuisance.

PROHIBITED USES

Any use or accessory use not otherwise listed as permitted shall be prohibited. For purposes of clarification, the following uses are specifically prohibited:

1.

Feed lot operations for horses, swine, sheep, goats or the like.

2.

Commercial dairy operations of more than three (3) animals.

3.

Recreational vehicle parks and/or campgrounds.

4.

Junk yards, wrecking yards, hazardous waste storage or dumps or transfer or recycling stations, operation of a landfill, garage dump, either by a private party or governmental agency.

5.

Bulk fertilizer or grain or underground fuel storage and transfer facilities.

6.

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Buildings or permanent structures for agricultural processing including shelling, milling, rendering, packing services and other similar uses.

7.

Industrial and manufacturing businesses of any description including log home manufacturing, and/or storage, post and pole plants, and sawmills.

8.

Churches and schools except for those which meet the definition of a home occupation.

9.

Kennels

10.

Any use which by its operation or existence is deemed to constitute a nuisance as herein define.

11.

Mining, quarrying, clear cutting or trees or unsightly disturbance of land and its vegetative cover, which conflict with the effort to maintain the integrity and natural aesthetic qualities of the rural environment.

12.

Dedicated shooting ranges or shooting galleries.

13.

Motor vehicle race tracks.

PROPERTY DEVELOPMENT STANDARDS

DIMENSIONAL STANDARDS: No land parcel shall have an area less than ten (10) acres. In addition, the following conditions shall be met:

A. There shall be no more than one single family dwelling and one guest house, employee or caretaker's quarters per land parcel.

B. Dwellings and accessory buildings over 200 square feet shall be set back from property lines a minimum of 40 feet.

C. Livestock pens and other enclosures, excluding open pasture, shall be set back a minimum of 40 feet from adjacent property lines.

YARD LIGHTS: Yard lights must be on a manual switch and must be positioned to minimize glare onto neighboring properties

SIGNS: Business professional signs not larger than thirty-two (32) square feet may be permanently painted or attached to dwellings and accessory buildings or be freestanding. Temporary real estate, political campaign, and construction signs not exceeding thirty-two (32) square feet may be erected. Said signs must be removed within ten (10) days following termination of the activity for which they were intended. Signs shall not be flashing or utilize intermittent illumination. There shall be no commercial billboard signs.

ENFORCEMENT

The County shall enforce the provisions of this district, except for the following:

1. Accessory buildings and livestock pens and enclosures set-back provisions.
2. Sign provisions.
3. Yard light provisions.
4. Animal density provisions.

Any interested person may bring legal action for the enforcement of any provision of this district. The cost of such enforcement shall be borne by the person(s) bringing the legal proceedings.

Failure to immediately enforce any of these provisions shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation.

VARIANCES

The Board of County Commissioners may grant a variance from the strict application of any provision of this Code, provided that such variance is granted in conformance with the County's Subdivision Regulations. The following actions shall not be allowed by a variance: (1) establishment of a use otherwise prohibited; (2) expansion of a nonconforming use; or (3) modification to lot size or other requirements so as to increase the permitted density of intensity of use.

AMENDMENTS

When not in conflict with the Ravalli County Comprehensive Plan, the County may amend the district boundary or any provision that applies to this district when sixty (60) percent of the landowners within said district submit a signed petition to the Board of County Commissioners. The County may amend the regulations and standards, or any other provision of this district when done in the context of a comprehensive plan revision. Under no circumstance may a amendment to a district boundary be less than forty acres.

NONCONFORMITIES

Within the district established or within districts established by future amendments, there may exist lots, structures, uses signs, and other uses which were lawful before the adoption of this resolution or amendment, but which would be prohibited, regulated or restricted under the provisions of this resolution or amendment. This part prescribes how these nonconformities may be continued or made to comply with this resolution.

It is the intent of this resolution to permit, but not encourage, nonconformities to continue until such time as they are removed, discontinued, changed, or enlarged; and ensure that nonconformities that are removed, discontinued, changed, extended or enlarged shall be made to conform to all provisions of this code.

Nonconforming land parcels may be used for any use permitted in the district, provided all other density control requirements are met.

A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment.
- (3) If any such nonconforming use is discontinued for more than six (6) months, any subsequent use of such land shall conform. Continuance of the use after such period is specifically prohibited.

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way to increase its nonconformity.

(2) Should such a structure be substantially destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) Should such structure be damaged by fire or other means but not substantially destroyed, and is not substantially repaired or reconstructed or used as before the time of damage within twelve (12) months of the date of such damage, it shall not be reconstructed except in conformity with this code.

All nonconforming signs with a replacement cost of less than one hundred dollars (\$100) and all signs prohibited shall be removed or altered to be conforming within ninety (90) days of the effective date of this resolution.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part.

RESPONSIBILITY FOR INTERPRETATION

In the event that any question arises concerning any provision or the application of any provision, the Planning Director shall be responsible for such interpretation and shall look to the Comprehensive Plan for guidance. This responsibility for interpretation shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other section or articles of this Code.

ABROGATION

This resolution is not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the county.

SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining provisions shall continue in full force and effect.

STATE OF MONTANA
FILED

MAY 19, 1993

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EFFECTIVE DATE


This resolution shall become effective thirty (30) days after adoption.

PASSED AND APPROVED THIS 6th DAY OF May 1993:

BOARD OF COUNTY COMMISSIONERS


Steven D. Powell, Chairman

Allen C. Horsfall, Jr., Member


Jerry L. Allen, Member

"EXHIBIT 1"

LEGAL DESCRIPTION
MITTOWER ROAD ZONING DISTRICT

The District includes the following lands located in Township 8 North, Range 20 West, Principal Meridian, Montana, Ravalli County, Montana:

SECTION 7: NE 1/4
 SE 1/4
 SW 1/4

SECTION 8: All lying west of U.S. Highway No. 93

SECTION 17: All of NW 1/4 lying west of U.S. Highway No. 93

SECTION 18: NE 1/4 NE 1/4
 SE 1/4 NE 1/4
 Parcel A-1, COS 4554-A
 NW 1/4 NE 1/4, Less Tract E of COS 4554-A
 NE 1/4 NW 1/4, Less Tract E of COS 4554-A

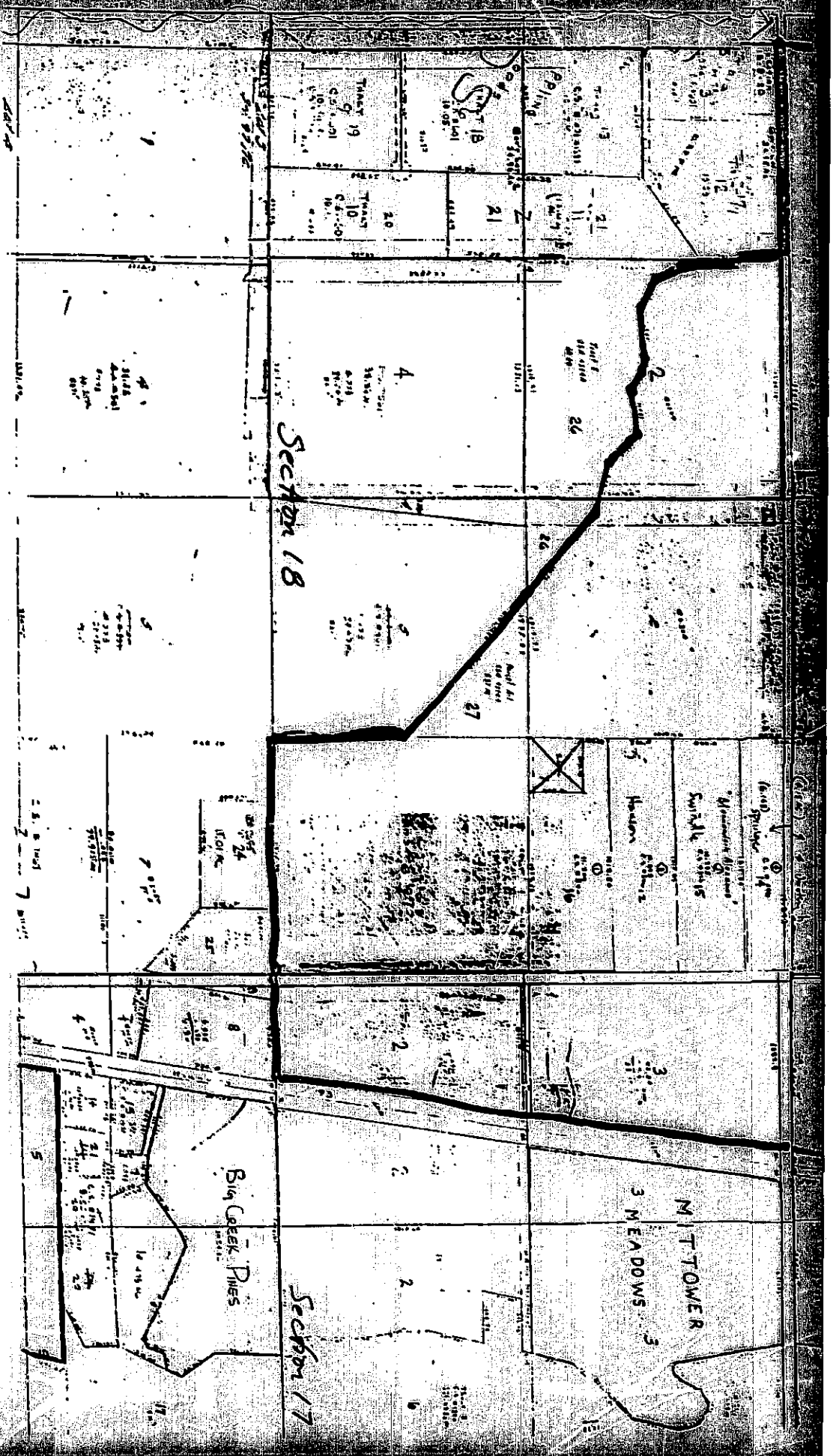
The above lands are generally described with the following metes and bounds perimeter :

Beginning at the corner common to sections 5,6,7 & 8, T8N, R20W, thence along the line common to Sections 5 & 8, East 1,815.82 feet to the westerly right-of-way of U.S. Highway 93; thence along said Highway right-of-way, southwesterly approximately 5,346 feet to the line common to Sections 8 & 17; thence continuing along said right-of-way, southerly approximately 2,675 feet to the east-west mid-section line of said Section 17; thence along said mid-section line, West, 590.1 feet to the line common to Sections 17 & 18; thence, along the east-west mid-section line of said Section 18, S.39°41'07"W., 1,319.50 feet to the NE 1/16 corner of said Section 18; thence, N.00°40'22"W., 714.13 feet to the SE corner of Parcel A-1 of COS 4554A being a point in the thread of Big Creek; thence the following ten (10) courses along said creek thread being the boundaries of Parcels A-1 and E of COS 4554A: N.52°03'32"W., 1,371.05 feet; N.49°06'51"W., 227.24 feet; N.76°18'44"W., 291.25 feet; N.43°10'30"W., 227.20 feet; S.78°50'26"W., 257.82 feet; N.60°08'58"W., 129.71 feet; N.87°42'08"W., 80.00 feet; S.85°40'19"W., 246.97 feet; N.70°09'29"W., 202.49 feet; and N.30°53'55"W., 172.94 feet; thence, leaving said creek thread, N.01°31'35"W., 484.24 feet; to the west 1/16 corner common to Sections 7 & 18; thence along the line common to said Sections 7 & 18, S.89°56'11"W., 1,158.48 feet to the corner common to Sections 7 & 18, T8N, R20W; and Sections 12 & 13, T8N, R21W; thence along the line common to said Sections 7 & 12; North approximately 2,640 feet to the 1/4 corner common to said Sections 7 & 12; thence along the east-west mid-section line of said Section 7, East approximately 2,455 feet to the C 1/4 of said Section 7; thence along the north-south mid-section line of said Section 7, North approximately 2,640 feet to the 1/4 corner common to Sections 6 & 7, T8N, R20W; thence along the line common to said Sections 6 & 7, East approximately 2,640 feet to the point of beginning.

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
PERM FILE

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To: County Board of Commissioners, Ravalli County

From: Mittower Road Zoning Petitioners

Subject: Mittower Road Zoning and Planning District, Victor, Montana

WHEREAS, the undersigned desire to place restrictions and conditions upon the hereinafter described land for the use and benefit of present and future owners, thereof:

THEREFORE, this declaration of zoning and planning is made to apply to that certain real property described in Exhibit "A" attached hereto and made a part hereof.

All persons or corporations who now or shall hereafter acquire any interest in and to the above described property shall be taken and held to agree with the owners of said property and with their heirs, successors and assigns, to conform to and observe the following zoning and planning covenants, restrictions and conditions as to use thereof and as to the construction of dwellings and improvements thereon.

"Owner" shall mean any person or persons who shall own, either legally or equitably, hereafter any of the land subject to these covenants and restrictions.

This zoning is designed to provide a uniform plan for the future evolution of the whole of said property and shall run with the land. The purpose of this zoning district is to preserve the semi-agricultural atmosphere of the district and to encourage agricultural and low density residential uses. The purpose of this district is to conserve and protect open land uses, foster orderly growth and prevent urban and agricultural land use conflicts.

DEFINITIONS

For the purpose of this ordinance, certain words and terms are herein defined:

ACCESSORY USE: A use incidental or accessory to the principal permitted use of a land parcel or building.

ACCESSORY BUILDING: A subordinate building on the same parcel as the primary residence, used exclusively for incidental or accessory activities.

AGRICULTURE: The activity of ground cultivation, including raising and harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and the like. Feed lot operations are not included herein.

FAMILY DAY CARE HOMES: A family day care home registered by the Department of Family Services under Title 52, Chapter 2, Part 7.

FAMILY: One or more persons occupying a dwelling unit as a member of a single, nonprofit, housekeeping unit. No more than five members may be unrelated by either blood, adoption, or marriage.

FEED LOT OPERATIONS: Any property on which ten (10) or more cattle, swine, sheep, goats, horses or the like are held or contained for feeding and care in preparation for market where more than 65% of the feed for such animals is supplementally provided from off premises. Short term holding pens used for weaning, loading, branding, etc. are not included.

COMMUNITY RESIDENTIAL FACILITY: Community Residential facilities are those facilities as defined and limited by M.C.A. 76-2-411 and 76-2-412.

HOME OCCUPATION: A gainful occupation which is accessory and incidental to the primary and principal use as residence and/or farm, and is customarily carried on in the home or accessory building, and the following are listed as

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examples: "Bed and Breakfast" business conducted within the principal residence, home dressmaking or millinery and similar handicrafts, cottage industries of woodworking, jewelry, diverse hand crafting, and musician or artist and teaching of same.

JUNK YARD: Land or buildings where waste or discarded or salvaged materials are brought to be stored, sold, exchanged, cleaned, packed, processed, disassembled or otherwise handled.

KENNEL: A place where six (6) or more adult animals such as dogs, cats, etc., are kept commercially.

MODULAR HOME: A manufactured residential dwelling unit built off-site and delivered as a unit or in major components to the site. A structure designed to be installed upon a permanent foundation.

MOBILE HOME: A self-contained factory built residential dwelling intended for permanent occupancy and designed for transport to a building site on its own chassis with a permanently affixed axle. A recreational vehicle or travel trailer is not to be considered a mobile home.

NUISANCE: Any use, activity or structure that interferes with the use or enjoyment of adjacent property, endangers personal health or safety, or is offensive to the senses, said nuisance being particularly described in M.C.A. 27-30-101 and/or 45-8-111.

RECREATIONAL VEHICLE: A vehicle or portable structure to be moved under its own power or towed for the purpose of providing temporary shelter during travel or recreational use.

SIGN: Any outside advertising device designed to inform or attract attention either permanently or temporarily attached to the ground or situated on a portable base or wheels or painted upon a building or structure.

PERMITTED USES

1. One (1) single family residential dwelling erected on any land parcel. Types allowed include conventional homes or modular homes as defined herein.
2. Agriculture as defined herein and further described as follows:
 - A. Poultry operations not to exceed 75 animals.
 - B. Aviaries, apiaries, worm farms, and hatcheries for fish.
 - C. Grazing and harvesting of field, tree or bush crops.
 - D. Animals, livestock and poultry, including a maximum of 4 swine and 4 goats, may be kept by any owner, provided they are consistent in number with the size of the property and are not kept, bred or maintained in such a manner that they may become a private or public nuisance as herein defined.

PERMITTED ACCESSORY USES

1. One (1) guest home, employee or caretaker's quarters constructed on a land parcel in addition to the primary residence. Such quarters shall be permanent in nature. Erection and use of accessory buildings will be permitted such as barns, storage sheds, stables, workshops, private garages and the like, provided that they not be used by individuals other than the owner or tenant of the premises or their employees, or guests.
2. Home occupations (as previously described) and meeting the following guidelines:
 - A. Activities shall be carried on only within a residence or accessory building.
 - B. Activities shall involve only immediate family members occupying the home, and employment of not more than one non-family member; and

C. There shall be no exterior storage of materials or equipment or any other outward indication of the occupation which would detract from the agricultural or residential character of the property.

Home occupations are specifically interpreted not to include: machine shops, auto repair or body shops, restaurants, grocery stores, recreational vehicle parks, or any activity generating excessive noise, a volume of traffic not customary to a residential neighborhood, or otherwise constituting a nuisance.

EXCLUDED USES

Any use or accessory use not otherwise listed as permitted. The following uses, without limitation, are specifically excluded:

1. Feed lot operations for horses, swine, sheep, goats or the like.
2. Commercial dairy operations of more than three (3) animals.
3. Recreational vehicle parks and/or campgrounds.
4. Kennels
5. Junk yards, wrecking yards, hazardous waste storage or dumps or transfer or recycling stations, operation of a landfill, garbage dump, either by a private party or governmental agency.
6. Bulk fertilizer or grain or underground fuel storage and transfer facilities.
7. Buildings or permanent structures for agricultural processing including: shelling, milling, rendering, packing services and other similar uses.
8. Industrial and manufacturing businesses of any description including log home manufacturing, and/or storage, post and pole plants, and sawmills.
9. Churches and schools, except for those which meet the definition of a home

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occupation.

10. Mining, quarrying, clear cutting of trees or unsightly disturbance of land and its vegetative cover, which conflict with the effort to maintain the integrity and natural aesthetic qualities of the rural environment.

11. Dedicated shooting ranges or shooting galleries.

12. Automatically activated exterior lights, especially yard lights, creating glare toward adjacent landowners.

13. Family day care homes and community residential facilities.

14. Any use which by its operation or existence is deemed to constitute a nuisance, as herein defined.

15. Motor vehicle race tracks.

PROPERTY DEVELOPMENT STANDARDS

PROPERTY AREA: Except for non-conforming land parcels existing at the time of adoption of these restrictions, no land parcel shall have an area of less than ten (10) acres. In addition, the following conditions shall be met:

A. Except for existing non-conforming structures, there shall be no more than one single family dwelling per parcel.

B. Except for existing non-conforming structures, dwellings and accessory buildings over 200 square feet shall be set back from property lines a minimum of 40 feet.

C. Except for existing non-conforming structures, livestock pens and other enclosures, excluding open pasture, shall be set back a minimum of 40 feet from adjacent property lines.

SIGNS: Business or professional signs not larger than thirty-two (32) square feet may be permanently painted or attached to dwellings and accessory buildings or be freestanding. Temporary real estate, political campaign, and

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construction signs not exceeding thirty two (32) square feet may be erected. Said signs must be removed within ten (10) days following termination of the activity for which they were intended. Signs shall not be flashing or utilize intermittent illuminations. There shall be no commercial billboard signs.

VARIANCE PROCEDURE

Any person seeking a variance from the provisions of this zoning district must submit a request to the Board of County Commissioners describing in detail the variance being sought and the property affected by the variance. The request must be accompanied by a payment to cover the mailing of a certified letter to all the property owners in the district informing them of the request in addition to a standard fee of \$100.00 to cover the staff time needed to identify the property owners and process the mailing. This letter will describe the variance request and invite written comment during a specific time period and notify the owners of a scheduled hearing to take comment on the request.

The Board of County Commissioners will consider the variance request in relation to the comments received by the property owners in the district and the intent of the resolution which created the district and will grant the request only if it will not violate said intent and must be supported by 60% or more of the property owners in the district.

(ATTACH LEGAL DESCRIPTION OF PROPERTIES INCLUDED)

FILED MAY 19, 1993 11:05AM PERM FILE

"EXHIBIT A"

LEGAL DESCRIPTION
MITTOWER ROAD ZONING DISTRICT

The District includes the following lands located in Township 8 North, Range 20 West, Principal Meridian, Montana, Ravalli County, Montana:

SECTION 7: NE 1/4
SE 1/4
SW 1/4

SECTION 8: All lying west of U.S. Highway No. 93

SECTION 17: All of NW 1/4 lying west of U.S. Highway No. 93

SECTION 18: NE 1/4 NE 1/4
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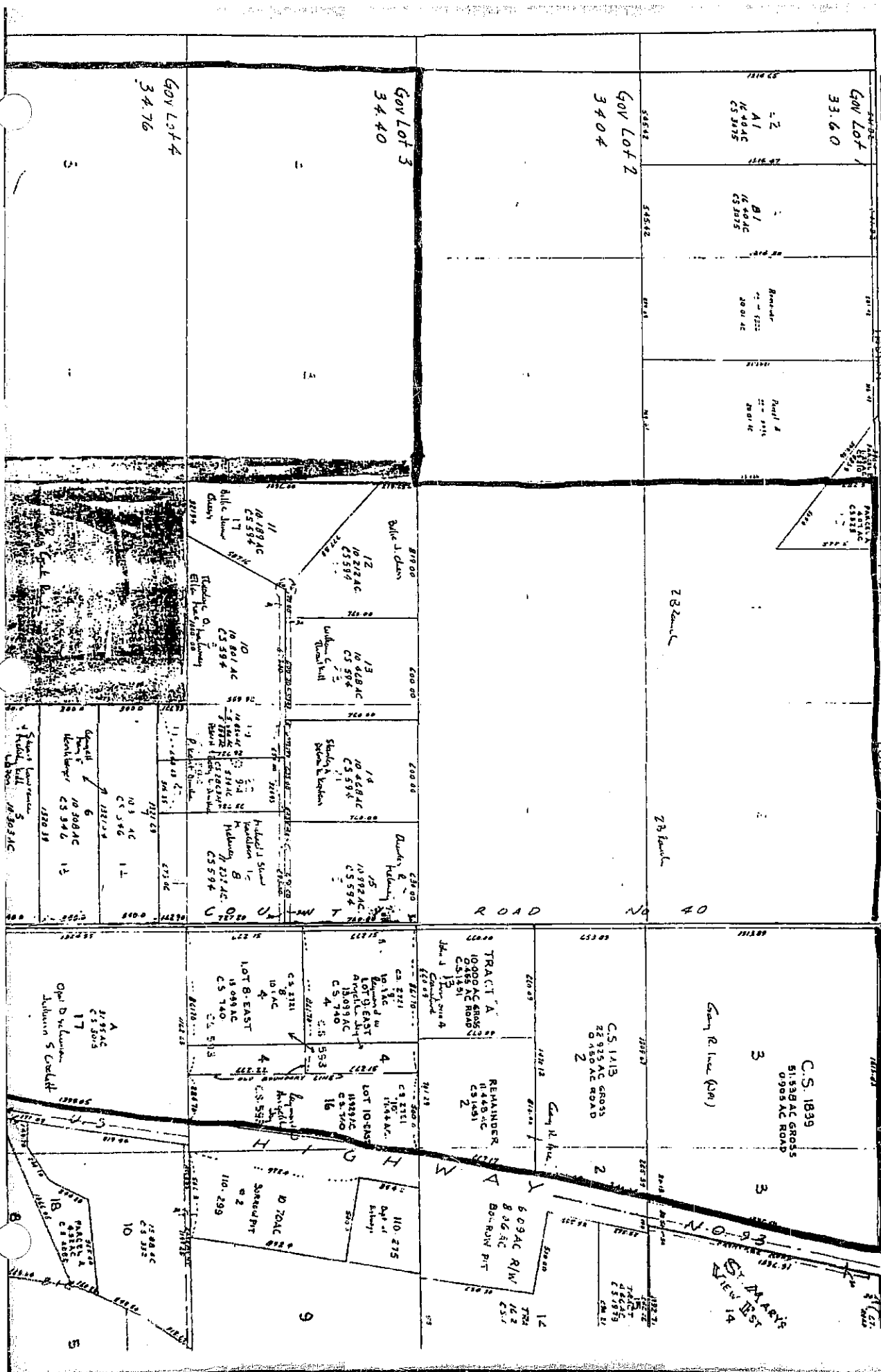
The above lands are generally described with the following metes and bounds perimeter :

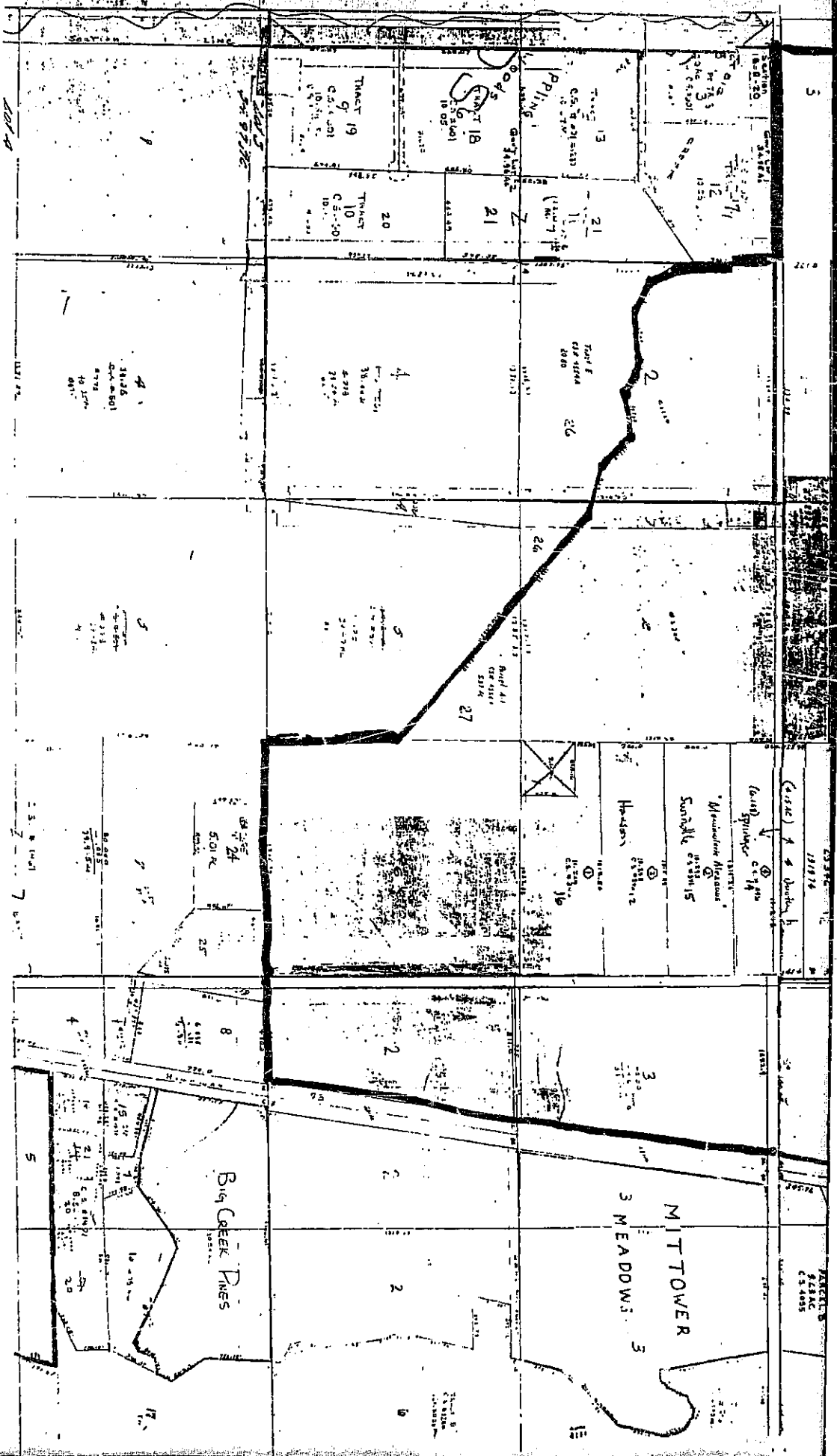
Beginning at the corner common to sections 5,6,7 & 8, T8N, R20W, thence along the line common to Sections 5 & 8, East 1,815.82 feet to the westerly right-of-way of U.S. Highway 93; thence along said Highway right-of-way, southwesterly approximately 5,346 feet to the line common to Sections 8 & 17; thence continuing along said right-of-way, southerly approximately 2,675 feet to the east-west mid-section line of said Section 17; thence along said mid-section line, West, 590.1 feet to the line common to Sections 17 & 18; thence, along the east-west mid-section line of said Section 18, S.89°41'07"W. 1,319.50 feet to the SE 1/16 corner of said Section 18; thence, N.00°40'22"W., 714.13 feet to the SE corner of Parcel A-1 of COS 4554A being a point in the thread of Big Creek; thence the following ten (10) courses along said creek thread being the boundaries of Parcels A-1 and E of COS 4554A: N.52°03'32"W., 1,371.05 feet; N.49°06'51"W., 227.24 feet; N.76°18'44"W., 291.25 feet; N.43°10'30"W., 227.20 feet; S.78°00'26"W., 257.82 feet; N.60°08'58"W., 129.71 feet; N.87°42'08"W., 80.00 feet; S.85°40'19"W., 246.97 feet; N.70°09'29"W., 202.49 feet; and N.30°53'55"W., 172.94 feet; thence, leaving said creek thread, N.01°31'35"W., 1,328.07 feet; to the west 1/16 corner common to Sections 7 & 18; thence along the line common to said Sections 7 & 18, S.89°56'11"W., 1,158.48 feet to the corner common to Sections 7 & 18, T8N, R20W; and Sections 12 & 13, T8N, R21W; thence along the line common to said Sections 7 & 12; North approximately 2,640 feet to the 1/4 corner common to said Sections 7 & 12; thence along the east-west mid-section line of said Section 7, East approximately 2,455 feet to the C 1/4 of said Section 7; thence along the north-south mid-section line of said Section 7, North approximately 2,640 feet to the 1/4 corner common to Sections 6 & 7, T8N, R20W; thence along the line common to said Sections 6 & 7, East approximately 2,640 feet to the point of beginning.

Mittower Road Zoning District 9/24/92

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7785

Range No. 20 Station No. 8
36 Seal - 1000-200-115
1





STATE OF MONTANA
 COUNTY OF RAVALLI
 FILED MAY 19, 1993 11:05AM PERM FILE

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE


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7785

NAME- BUD COTE RANCH
NAME2- % CRAWFORD JOHN J & MARJORIE A NPI
ADDR- 3138 MITTOWER ROAD
CITY- VICTOR STATE- MT ZIP- 59875
SUED CODE-

PROPERTY DESCRIPTION
IN SWNW INDEX 17
TRACT A CS #1451
10 AC

LOT BLOCK
SEC TWNSP RANGE
8 8 20


John J. Crawford,


Marjorie A. Crawford

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
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7785

NAME- SPRINGER DOROTHY M
NAME2-

ADDR- 2967 MITTOWER ROAD

CITY- VICTOR

STATE- MT ZIP- 59875

SUED CODE-

PROPERTY DESCRIPTION

IN NENE INDEX 14 6.148 AC

IN SESE INDEX 11 4.15 AC

MEADOW LARK MEADOWS LOT #4

CS #346

LOT	BLOCK	SEC	TWNSP	RANGE
18		8		20
7		8		20

Dorothy M. Springer
Dorothy M. Springer

STATE OF MONTANA
FILED .

MAY 19, 1993

COUNTY OF RAVALLI
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368237 27 OF 60 PAGES
7785

NAME2- % MYERS WAYNE L & SANDRA

NPI

ADDR- RR1 BOX 50A

CITY- BEULAH

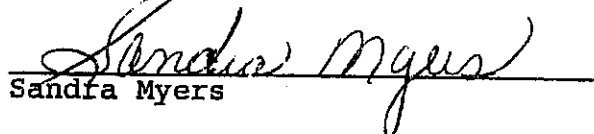
STATE- ND ZIP- 58523

SUBD CODE-

PROPERTY DESCRIPTION
IN N1-2SE IN SESE INDEX S
LESS 1.14 AC RD
CS #594 LOT 10 WEST
10.80 AC

LOT BLOCK
SEC TWNSP RANGE
7 8 20


Wayne L. Myers


Sandra Myers

STATE OF MONTANA

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COUNTY OF RAVALLI
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7785

NAME- SWANSON JIM E GINA MARIE

NAME2-

ADDR- 1033 CHERRY ORCHARD LOOP


CITY- HAMILTON

STATE- MT ZIP- 59840

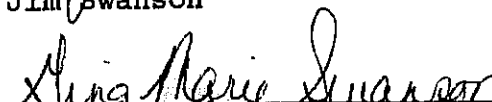
SUBD CODE-

PROPERTY DESCRIPTION
IN N&SE INDEX 17
CS #594 TRACT #11
10.139 AC

LOT BLOCK
SEC TWNSP RANGE
7 8 20



Jim Swanson



Gina Marie Swanson

STATE OF MONTANA

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COUNTY OF RAVALLI

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7785

NAME- KASTENS STANLEY A & DEBRA K
NAME2-

ADDR- 234 LARK LANE

CITY- VICTOR

STATE- MT ZIP- 59875

SUBD CODE-

PROPERTY DESCRIPTION

IN N1-2SE INDEX 21

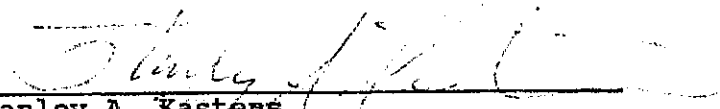
CS #594 TRACT 14

10.47 AC

LOT BLOCK

SEC TWPSP RANGE

7 8 20


Stanley A. Kastens


Debra k. Kastens

STATE OF MONTANA
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COUNTY OF RAVALLI
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7785

NAME- THRAILKILL WILLIAM C
NAME2- % KASYENS STANLEY A & D K NPI
ADDR- 234 LARK LANE
CITY- VICTOR STATE- MT ZIP- 59875
SUBD CODE-

PROPERTY DESCRIPTION
IN N1-2SE INDEX 23
CS A594 LOT 13
10.47 AC

LOT BLOCK
SEC TWNSP RANGE
7 8 20


Stanley A. Kastens


D.K. Kastens

STATE OF MONTANA
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MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

NAME - MELANEY CHARLES R

NAME2 -

ADDR - P O BOX 113

CITY - VICTOR

SUBD CODE -

STATE - MT ZIP - 59875

PROPERTY DESCRIPTION

IN NENESE INDEX 15

TRACT #15 CS #594

MEADOW LARK MEADOWS 10.99 AC

LOT BLOCK
SEC TWNSP RANGE
7 8 20


Charles R. Melaney

STATE OF MONTANA

FILED

MAY 19, 1993

COUNTY OF RAVALLI

11:05AM

PERM FILE

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7785

NAME- GODOREAU SYDNEY S & ESTHER L

NAME2- X SWINDLE CHINOOK & REBECCA

NPI

ADDR- P O BOX 492

CITY- VICTOR

STATE- MT ZIP- 59875

SUBD CODE-

PROPERTY DESCRIPTION

IN NENE INDEX 15

MEADOW LARK MEADOWS LOT #3

CS #346

10.295 AC

LOT BLOCK

SEC TWP SP RANGE

18 8 20

Chinook Swindle
Chinook Swindle

Rebecca Swindle
Rebecca Swindle

STATE OF MONTANA

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COUNTY OF RAVALLI

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7785

33 OF 60 PAGES

NAME- HANSON THOMAS M & KATHERINE T

NAME2-

ADDR- 2997 MITTOWER ROAD

CITY- VICTOR

STATE- MT ZIP- 59875

SUBD CODE-

PROPERTY DESCRIPTION

IN NENE INDEX 12

MEADOW LARK MEADOWS LOT #2

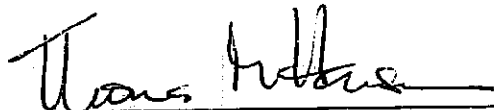
CS #346

10.29 AC

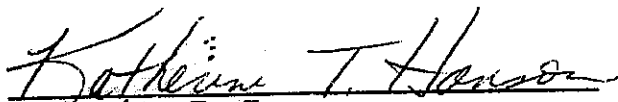
LOT BLOCK

SEC TWSN RANGE

18 8 20



Thomas M. Hanson



Katherine T. Hanson

STATE OF MONTANA
FILED MAY 19, 1993

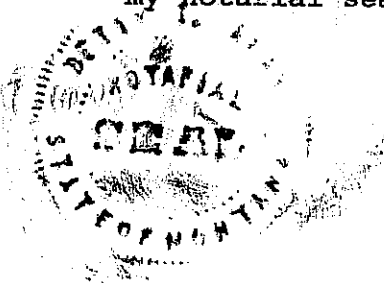
COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

State of Montana)
County of Ravalli) ss

On this 26th day of January, 1993,
before me the undersigned notary public for the State of Montana,
personally appeared John J. and Marjorie A. Crawford, Dorothy M.
Springer, Stuart Laurence and Melody Kidd Lozon, Wayne L. and
Sandra Myers, Jim and Gina Marie Swanson, Stanley A. and Debra K.
Kastens, Stanley A. and D. K. Kastens, Charles R. Melaney,
Chinook and Rebecca Swindle, Thomas M. and Katherine T. Hanson,
proved to me on the oath of Marjorie A. Crawford to be the
persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed
my notarial seal the day and year first above written.



Betty T. Lund
Notary Public for the State of Montana
Residing at Hamilton, Montana
My commission expires Nov. 19, 1994

STATE OF MONTANA
FILED, MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

** GENERAL PUBLIC **

* ACTIVE *

NAME- LANGTON BRIAN & KAREN T

NAME2-

ADDR- 2954 MITTOWER ROAD

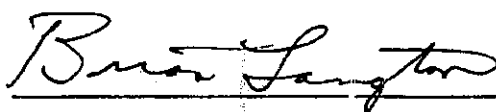
CITY- VICTOR

STATE- MT ZIP- 59875

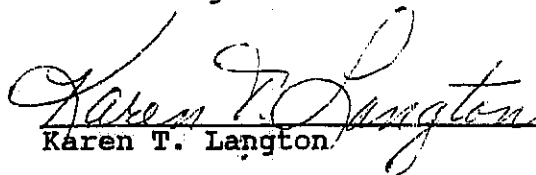
SUBD CODE-

PROPERTY DESCRIPTION
IN NWNW PT INDEX 3
20.145 AC

LOT BLOCK
SEC TWNSP RANGE
17 8 20



Brian Langton



Karen T. Langton

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

STATE OF MONTANA)
County of Ravalli) :ss

On this 14th day of January, 1993, before me, the undersigned,
a Notary Public for the State of Montana, personally appeared
Brian Langston and Karen T. Langston

known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Official Seal the day and year first above written.



Diane K. Gerhardt
Notary Public for the State of MT
Residing at Hamilton
My Commission expires June 3, 1995

STATE OF MONTANA
FILED

MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

NAME- 2 B RANCH

NAME2-

ADDR- 3175 MITTOWER ROAD

CITY- VICTOR

STATE- MT ZIP- 59875

SUED CODE-

PROPERTY DESCRIPTION
IN NE INDEX 1 & 2
155.93 AC

LOT BLOCK
SEC TWNSP RANGE
7 8 20

State of Idaho)

County of Blaine) §

On this 14th day of January, in the year of 1993, before
me Bonnie S. Brang, personally appeared Betsy W Brooks,
known to me to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he (she) (they) executed the same. Subscribed and
sworn to before me this 14th day of January, 1993.

[Signature]
Notary Public

My Commission Expires: 2-26-93 . Residing at: Blaine Co.

STATE OF MONTANA

FILED

MAY 19, 1993

COUNTY OF RAVALLI

11:05AM

PERM FILE

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7785

NAME- STANBERY PATRICIA L

NAME2-

ADDR- 2830 HIGHWAY 93 NORTH

CITY- VICTOR

STATE- MT ZIP- 59875

SUBD CODE-

PROPERTY DESCRIPTION

IN NENW IN N4NE INDEX 2 59.20 AC

IN SESW IN SWSE INDEX 24 16.09 AC

CS #2324 LESS CS #4554A TRACT E

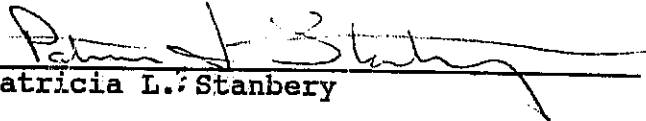
75.29 AC TOTAL

LOT BLOCK

SEC TWPSP RANGE

19 8 20

7 8 20


Patricia L. Stanbery

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

STATE OF MONTANA)
 : ss
County of Ravalli)

On this 14th day of January, 1993, before me, the undersigned,
a Notary Public for the State of Montana, personally appeared _____

Patricia L. Stenberg

known to me to be the person _____ whose name is subscribed to
the within instrument, and acknowledged to me that she executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Official Seal the day and year first above written.



Diane K. Gerhardt
Notary Public for the State of MT
Residing at Hamilton
My Commission expires June 3, 1995

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

NAME- LINDAHL CHARLES & MARIE
NAME2-

ADDR- 599 E MILL CREEK WAY

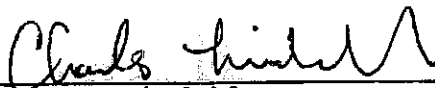

CITY- SALT LAKE CITY

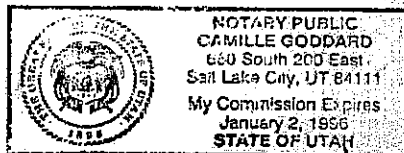
STATE- UT ZIP- 84106

SUBD CODE-

PROPERTY DESCRIPTION
IN NESE IN SESE INDEX 16
TRACT 8 CS #594
MEADOW LARK MEADOWS
11.23 AC

LOT BLOCK
SEC TOWNSHIP RANGE
7 8 20


Charles Lindahl

Marie Lindahl



Camille Goddard
Jan 12, 1993

STATE OF MONTANA
FILED

MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

NAME- DIMSHA PETER H & BETTY LOU ET AL
NAME2-

ADDR- 229 LARK LANE

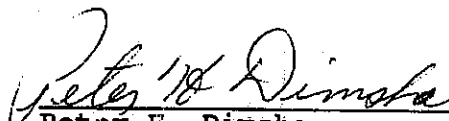
CITY- VICTOR


STATE- MT ZIP- 59875

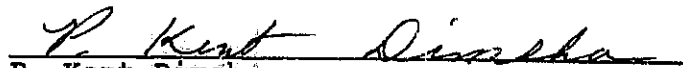
SUBD CODE-

PROPERTY DESCRIPTION
IN E1-2SE INDEX 20
CS #2863M TRACT 9-A
5.34 AC

LOT BLOCK
SEC TWNSP RANGE
7 8 20


Peter H. Dimsha


Betty L. Dimsha


P. Kent Dimsha

STATE OF MONTANA
FILED

MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

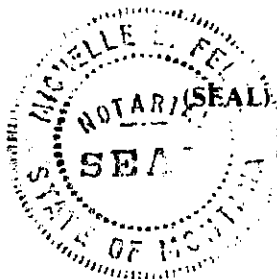
STATE OF Montana)
County of Missoula) ss.

On this 14th day of January, before me Michelle L. Felde

a notary public in and for said state, personally appeared Peter H. Dimsha & Betty L. Dimsha

and P. Kent Dimsha, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Michelle L. Felde
Notary Public for the State of Montana
Residing at Lolo, MT

My commission expires: 7-20-95

STATE OF MONTANA

FILED-

MAY 19, 1993

COUNTY OF RAVALLI

11:05AM

PERM FILE

368237

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7785

NAME- DIMSHA PETER H & BETTY L ET AL
NAME2-

ADDR- 229 LARK LANE

CITY- VICTOR

SUED CODE-

STATE- MT ZIP- 59875

PROPERTY DESCRIPTION
IN E1-2SE INDEX 19
CS #594 PT TRACT 9
S.49 AC

LOT BLOCK
SEC TWPSP RANGE
7 5 20

Peter H Dimsha

Peter H. Dimsha

Betty L Dimsha

Betty L. Dimsha

P. Kent Dimsha

P. Kent Dimsha

STATE OF MONTANA
FILED MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

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7785

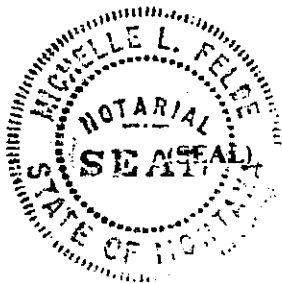
STATE OF Montana)
County of Missoula) ss.

On this 1st day of January, before me Michelle L. Felde

a notary public in and for said state, personally appeared Peter H. Dimsha & Betty L. Dimsha

and P. Kent Dimsha, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Michelle L. Felde
Notary Public for the State of Montana
Residing at Lolo, Montana

My commission expires: 4-20-95

STATE OF MONTANA

FILED

MAY 19, 1993

COUNTY OF RAVALLI

11:05AM

PERM FILE

368237 45 OF 60 PAGES

7785

NAME- KARBOWSKI ROBERT H & PATRICIA A

NAME2- X STANBERY PATRICIA L

ADDR- 2380 HIGHWAY 93 NORTH

CITY- VICTOR

STATE- MT ZIP- 59875

SUBD CODE-

PROPERTY DESCRIPTION

IN SWNE INDEX 27

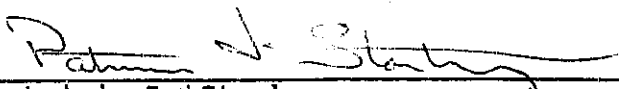
CS #4554A PARCEL A-1

5.37 AC

LOT BLOCK

SEC TWNSP RANGE

18 8 20


Patricia L. Stanbery

STATE OF MONTANA

FILED.

MAY 19, 1993

COUNTY OF RAVALLI

11:05AM

PERM FILE

368237

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7785

STATE OF MONTANA)

:SS

County of Ravalli)

On this 14th day of January, 1993, before me, the undersigned,
a Notary Public for the State of Montana, personally appeared _____

Patricia L. Stansbury

known to me to be the person _____ whose name is subscribed to
the within instrument, and acknowledged to me that he executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Official Seal the day and year first above written.



Diane K. Gerhardt
Notary Public for the State of MT
Residing at Hamilton
My Commission expires June 3, 1995

STATE OF MONTANA
FILED

MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

368237 47 OF 60 PAGES
7785

NAME- ARNDT KARYL JEAN NICHOLS
NAME2-

ADDR- 2601 SOUTH QUINTERO WAY
CITY- AURORA

SUBD CODE-

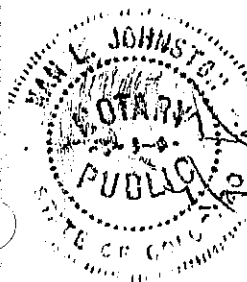
STATE- CO ZIP- 80013

PROPERTY DESCRIPTION
IN S&NENE INDEX 1
2+ AC

LOT BLOCK
SEC TWPSP RANGE
18 8 20

Karyl Jean Nichols Arndt
Karyl Jean Nichols Arndt

;



January 15, 1993
Van L Johnston
Commission Expires 1-20-1993

STATE OF MONTANA
FILED

MAY 19, 1993

COUNTY OF RAVALLI
PERM FILE

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7785

DATE 1-26-93

STATE OF MONTANA)
COUNTY OF RAVALLI)

THIS IS TO CERTIFY THAT THE BELOW DOCUMENT IS A TRUE AND CORRECT COPY OF
THE INFORMATION SHOWN ON THE DUPLICATE DEATH RECORD ON FILE
IN THIS OFFICE.

Signed Betty T. Lund
CLERK AND RECORDER

By G. J. McWhorter
DEPUTY



FORM V.S. 3 (1988) (Revised)

MONTANA
CERTIFICATE OF DEATH

Local File Number		State File Number	
1. Opal		2. female	
3. Doris		4. Schurian	
5. white		6. Sept. 29, 1906	
7. PLACE OF DEATH (Check only one)		8. Ravalli	
HOSPITAL: <input checked="" type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DCA		OTHER: <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)	
FACILITY NAME (If not institution, give street and number)		CITY, TOWN, OR LOCATION OF DEATH	
7a. Daly Memorial Hospital		7d. Hamilton	
BIRTHPLACE (City and State or Foreign Country)		MARITAL STATUS	
9. Springfield, Minn.		9. <input checked="" type="checkbox"/> Never Married <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Divorced	
SOCIAL SECURITY NUMBER		KIND OF BUSINESS/INDUSTRY	
10. 542-56-4414		11. Housewife	
RESIDENCE—STATE		CITY, TOWN, OR LOCATION	
12a. Montana		12b. Ravalli	
INSIDE CITY		ZIP CODE	
13a. no		13b. 59875	
ANCESTRY—Mexican, Puerto Rican, Cuban, African, English, Irish-German, Hungarian, etc. (Specify)		14. Scotch/English/Irish	
FATHER'S NAME (First, Middle, Last)		MOTHER'S NAME (First, Middle, Maiden Surname)	
15. William Rayward Hill		16. Cora Emma Rovey	
INFORMANT'S NAME (Type/Print)		MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)	
17a. Julie Crockett		17b. 2840 Hwy 93, Stevensville, MT 59870	
METHOD OF DISPOSITION		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place)	
18a. <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State		18b. Victor Cemetery	
SIGNATURE OF FUNERAL SERVICE LICENSEE OR OTHER PERSON IN CHARGE OF DISPOSITION		MONTANA LICENSE NUMBER (of Licensee)	
19a. H. Dean Whitworth		19b. #251	
NAME AND ADDRESS OF FACILITY		20. Whitesitt Funeral Home	
21a. Box 12, Stevensville, MT 59870		21b. Box 12, Stevensville, MT 59870	
22. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. (See instructions on other side)		23. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.	
IMMEDIATE CAUSE (Final disease or condition resulting in death)		24a. no	
1. death CVA		24b. no	
2. ASCVD		24c. no	
3. no		24d. no	
4. no		24e. no	
5. no		24f. no	
6. no		24g. no	
7. no		24h. no	
8. no		24i. no	
9. no		24j. no	
10. no		24k. no	
11. no		24l. no	
12. no		24m. no	
13. no		24n. no	
14. no		24o. no	
15. no		24p. no	
16. no		24q. no	
17. no		24r. no	
18. no		24s. no	
19. no		24t. no	
20. no		24u. no	
21. no		24v. no	
22. no		24w. no	
23. no		24x. no	
24. no		24y. no	
25. no		24z. no	
26. no		24aa. no	
27. no		24ab. no	
28. no		24ac. no	
29. no		24ad. no	
30. no		24ae. no	
31. no		24af. no	
32. no		24ag. no	
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263. no			

NAME- BIG CREEK RANCH

NAME2-

ADDR- 2983 MITTOWER ROAD

CITY- VICTOR

STATE- MT ZIP- 59875

SUBD CODE-

PROPERTY DESCRIPTION

IN SENE INDEX 2

13.3415 AC

OK SENE INDEX 6

40.00 AC

SWNW LESS 5.01 AC HWY INDEX 2 34.99 AC

LOT BLOCK

SEC TWNSP RANGE

17 8 20

18 8 20

17 8 20


Big Creek Ranch
N. Louise Langton
Jeffrey H. Langton
Brian R. Langton

STATE OF MONTANA
FILED

MAY 19, 1993

COUNTY OF RAVALLI
11:05AM PERM FILE

368237 50 OF 60 PAGES
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STATE OF MONTANA)
 :SS
County of Ravalli)

On this 14th day of January, 1993, before me, the undersigned,
a Notary Public for the State of Montana, personally appeared
N. Louise Langton, Jeffrey B. Langton and
Brian K. Langton
known to me to be the person and whose name are subscribed to
the within instrument, and acknowledged to me that they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Official Seal the day and year first above written.



Diane K. Gerhardt
Notary Public for the State of MT
Residing at Hamilton
My Commission expires June 3, 1995

STATE OF MONTANA

FILED

MAY 19, 1993

COUNTY OF RAVALLI

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51 OF 60 PAGES

7765

NAME- LOZON STUART LAURENCE & MELODY KIDD
NAME2-

ADDR- 3035 MITTOWER ROAD

CITY- VICTOR

STATE- MT ZIP- 59875

SUED CODE-

PROPERTY DESCRIPTION

IN SESE INDEX 12

MEADOW LARK MEADOWS LOT #5

10.303 AC

LOT BLOCK

SEC TWPNSP RANGE

7

8

20

Stuart Laurence Lozon

Stuart Laurence Lozon Sr.

Stuart Laurence Lozon

Melody Kidd Lozon

Melody Kidd Lozon

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA) ss
County of Ravalli)

Shirley J. Werk being
duly sworn, deposes and says that

she is the owner of the
BITTERROOT STAR, a weekly
newspaper of general circulation,
published in Stevensville,
Ravalli County, Montana, and
that the subjoined notice, a
copy of which is hereto attached,
was published in the regular and
entire issue of said paper for

two successive weeks,
commencing on the 24 day of

March 1993
and published on the following dates
thereafter.

31 March 1993

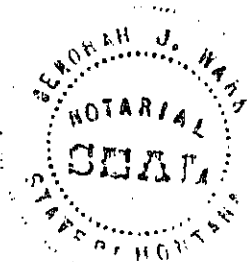
Signed Shirley J. Werk

Subscribed and sworn to before me

this 1st day of April

Deborah J. Werk

Deborah J. Werk
NOTARY PUBLIC for the State of Montana
Residing at Stevensville, Montana
My Commission Expires October 4, 1993



NOTICE OF INTENT
TO CREATE A ZONING
DISTRICT

On March 22, 1993, the
BOARD OF COUNTY
COMMISSIONERS, Ravalli
County, passed a resolution
of intent to create a
voluntary zoning district in
the Miltower Road area.

The zoning is designed
to provide a uniform plan for
the future evolution of the
whole of said property and
shall run with the land. The
purpose of this zoning
district is to preserve the
semi-agricultural atmosphere
of the district and to
encourage agricultural and
low density residential uses.
The purpose of this district is
to conserve and protect
open land uses, foster
orderly growth and prevent
urban and agricultural land
use conflicts.

Copies of the proposed
regulations are on file at the
office of the Clerk and
Recorder at the Ravalli
County Courthouse.

For thirty (30) days after
the first publication of this
notice, March 24, 1993, the
BOARD OF COUNTY
COMMISSIONERS will
receive written protests to
the creation of this zoning
district or to the zoning
regulations, from persons in
the district whose names
appear on the last completed
assessment roll of the
County.

The District includes the
following lands located in
Township 8 North, Range 20
West, Principal Meridian,
Montana:

Section 7: NE 1/4, SE
1/4, SW 1/4;

Section 8: All lying west
of U.S. Highway 93;

Section 17: All of NW 1/4
lying west of U.S. Highway
93;

Section 18: NE 1/4, NE
1/4, SE 1/4, NE 1/4,
Parcel A-1, COS 4554-
A,

NW 1/4 NE 1/4, Less
Tract E of COS 4554-A,
NE 1/4 NW 1/4, Less
Tract E of COS 4554-A.

BOARD OF COUNTY
COMMISSIONERS, /s/
Steven Powell, Allen C.
Horsfall (abstain), Jerry
Allen.

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA) ss
County of Ravalli)

Shirley A Ferris being
duly sworn, deposes and says that

she is the Bookkeeper of the
BITTERROOT STAR, a weekly
newspaper of general circulation,
published in Stevensville,
Ravalli County, Montana, and
that the subjoined notice, a
copy of which is hereto attached,
was published in the regular and
entire issue of said paper for

two successive weeks,
commencing on the 17 day of

February 1993
and published on the following dates
thereafter:

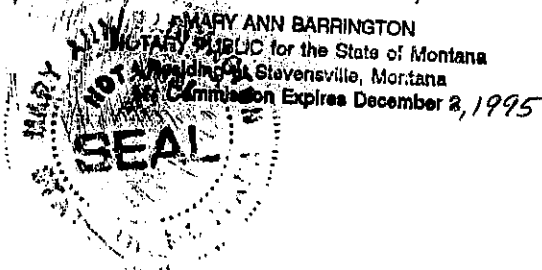
24 Feb. 1993

Signed Shirley A Ferris

Subscribed and sworn to before me

this 24th day of Feb. 1993

Mary Ann Barrington



NOTICE OF PUBLIC
HEARING

The Board of County
Commissioners of Ravalli
County hereby notify you
that they will hold a public
hearing on Thursday, March
4, 1993 at 2:00 p.m. at their
offices at the Ravalli County
Courthouse, 205 Bedford
Street, Hamilton, Montana.

The purpose of this
meeting is to take public
comment on the proposed
voluntary zoning district on a
tract of land known as Mt.
tower Road and Highway 93
Voluntary Zoning District.

Section 7: NE 1/4, SE
1/4, SW 1/4.

Section 8: All lying west
of U.S. Highway 93.

Section 17: All of NW 1/4
lying west of U.S. Highway
93.

Section 18: NE 1/4, NE
1/4, SE 1/4, NE 1/4, Parcel A,
1, COS 4554-A, NW 1/4, NE
1/4, Less Tract E of COS
4554-A, NE 1/4, NW 1/4, Less
Tract E of COS 4554-A.

/s/ Jerry L. Allen, Mem-
ber, Board of Ravalli County
Commissioners.

MITTOWER VOLUNTARY ZONING DISTRICT
PUBLIC HEARING
March 4, 1993

Chairman Powell called the meeting to order at 2:00 p.m. and read the Notice of Public Hearing which was published in the Bitterroot Star on February 17 and February 24, 1993. The purpose of today's hearing was to take public comment on the proposed Mittower Zoning District.

IN ATTENDANCE: Julie Crockett
Gary Ince
Brian Langton
Karen Langton
Jane Marriott
Tom Hanson
Betty Lou Dimsha
Pete Dimsha
Dorothy Springer
Katie Hanson
Dorothy Crawford
Louise Mittower Langton
Merle Unruh
Beverly Yates
Ray Joy
Angelika Joy
John Crawford
Marjorie Crawford
James Batista
Janet Batista
Commissioners Powell, Allen and Horsfall

Commissioner Allen Horsfall asked to be addressed and read the attached statement disqualifying his vote on this issue due to a conflict of interest.

A letter from the Clerk and Recorder, Ravalli County, stated that there were 29 correct freeholder signatures out of a possible 41 on the petition, which calculated to be 71% signing the petition in favor the of zone.

PROponents SPEAKING IN FAVOR OF THE PETITION:

JOHN CRAWFORD - Mr. Crawford gave several reasons for being a proponent to the petition some of which included commercial business causing grief to surrounding residences, ability to maintain a rural agriculture atmosphere, and groundwater concerns. Mr. Crawford also had questions as to why another petition for this area, which was in opposition to this petition, had been processed before this petition as theirs was submitted first.

JEFF LANGTON - Feels the area is undeveloped so far the

feels it should remain that way. Feels the area is appropriate for agriculture and not commercial.

MARGE CRAWFORD - Spoke in favor of the petition for the same reasons as prior speakers. Marge also explained that she felt that the Commission would be getting a petition from the landowners on the east side of the highway as they had shown interest in this petition. These petitions felt that the area included to date was all they could handle at this point.

BRIAN LANGTON - Spoke in favor of the petition. Feels property values are upheld when covenants are in place. Feels commercial development should be closer to towns.

KAREN LANGTON - Spoke in favor of the petition and also had concerns for the frontage on Highway 93 should the highway become four lanes as proposed. Feels commercial footage would be too close. Karen stated that she was afraid Mittler Road would be used for access instead of Hwy 93 should commercial be allowed.

TOM HANSON - Spoke in favor of the petition and was impressed by the support of the neighborhood in this petition.

LOUISE LANGTON - Spoke in favor of the petition echoing what her children had said.

THOSE SPEAKING IN OPPOSITION:

GARY INCE - Gary stated that including himself there are three landowners having a mile and a quarter of highway frontage and did not feel they were being heard by the neighborhood putting in zoning district request so they put in their own request. The main object was that there was no commercial allowed and felt this was unfair in that small commercial should be allowed. Gary feels the three landowners have a unique situation in that they own a large portion of highway frontage. Gary states that they are not looking to put in any commercial that would be an eyesore or create any traffic problems.

RAY JOY - Mr. Joy gave several reasons for opposition and went through several items in the petition stating his objections to each. Some of Mr. Joy's concerns were lights, shooting range, definition of "nuisance", kennels, junkyards, and also felt that the 10 acre minimum was too strict. Mr. Joy felt that not allowing commercial use of this property discourages new jobs in the area, thus not allowing progress.

ANGIE JOY - Mrs. Joy stated that the reason they had purchased their property was for potential investment and

such a zoning district would present a hardship on them for this reason. Mrs. Joy stated that they have had sales lost because of the pending zone already. Mrs. Joy stated that she felt the conflicting parties need to get together and talk things out. She felt that it was useless to try and stop and control progress.

JULIE CROCKETT - Julie stated that she was torn on this issue. She stated she hated to see commercial use in this area but felt she had to "change with the times."

Commissioner Horsfall interjected at this point and stated that since there were two zoning requests present for this area that the compromise would have to come from the petitioners if there indeed was to be any compromise. Otherwise, Commissioners Allen and Powell would have to make the decision. The Commissioners, however, are not required by law to accept either petition.

Commissioner Powell stated that he felt it was appropriate to keep in mind that no action has been taken on the first petition because they knew the second district had been proposed and the intent now is to see if there is some basis for compromise. The Commission is hoping for a refinement to satisfy all parties.

Commissioner Powell stated that he felt what we need to do at this point is looking ahead to see what can be accomplished towards an acceptable solution. He felt that the neighbors appreciated each other's concerns and felt this was a good basis for trying to reach a solution. The difficulty for the Commission is that they are left with the position of choosing one petition, rejecting, or altering both and on what basis they would do this. The cooperation of the parties involved is requested to try and reach some sort of reasonable commendation. Commissioner Powell stated he felt there must be some compromise between absolute no commercial use and some light commercial use with specific definition of the use.

Commissioner Powell asked the petitioners if they were willing to consider some more specific definition of the type and location of the commercial activity on properties and are the other petitioners willing to consider some amount of commercial/residential development if it is more defined. Mr. Ince indicated his group would agree to talk compromise. The group wishing to restrict commercial use seemed reluctant thinking it could create a "snowball" effect.

From time to time many public officials find themselves in a position where their decision on a matter could be challenged based on either a conflict of interest or a bias of one form or another. Judges often disqualify themselves, attorneys ask for conflict of interest removals and public officials should recognize where a challenge could exist to their decision. If I were to own property in one of these zones, the public would expect me to withdraw. In this case if I were to vote for or against either of the two proposed zones, a challenge could be made that my personal relationship with one of the petitioners may have influenced my decision. Therefore, in keeping with the spirit of honesty that I believe government should operate, I will withdraw from the decision process on either of the proposed zones in the Hittover Road area. My purpose is to protect Ravalli County from a position of compromise. I further have no objection to relinquishing this decision in it's entirety to my two fellow Commissioners, who jointly make up a quorum of the Board.

Allen C. Horsfall, Jr.
Allen C. Horsfall, Jr. Member
Ravalli County Commissioners

Date 030493 -

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MAY 19, 1993

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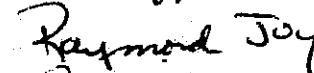
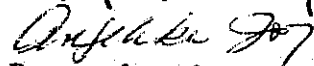
Raymond and Angelika Joy
3051 Highway 93
Stevensville, Mt. 59870
April 19, 1993

Board of County Commissioners
Ravalli County Courthouse
Hamilton, Mt. 59840

Dear Commissioners,

This is to inform you that we are opposed to the proposed zoning in the Mittower area. We feel that this zoning will devalue our highway frontage property by as much as \$40,000 resale value in the future. There are also certain restrictions which the commissioners must re-write in order to make them enforceable. We would like to reserve the right to review the re-written document before any final zoning is implemented. We also reserve the right to sue the Board of Commissioners and the Mittower Zoning district for the amount of the devaluation of our property if we so decide in the future.

Thank You
Sincerely,



Raymond and Angelika Joy

DATE: MARCH 3, 1993
TO: COUNTY BOARD OF COMMISSIONERS, RAVALLI COUNTY
FROM: HIGHWAY 93 PETITIONERS
NW 1/4 S 8, T 8N, R 20W, (COS #3015 LOT 8, 9, 10
AND COS #1451, #1413, AND #1839)

The undersigned desire to submit this letter requesting exemption from the zoning request of Mittower Road of this meeting on March 4, 1993.

Our concern is that this zoning request submitted to be discussed today will decrease the value of our property. We own approximately 1 1/4 miles of Highway 93 frontage and feel we should be able to use some of the frontage for commercial uses as described in our earlier zoning request of October, 1992. The traffic created by the commercial use would be off of Highway 93 and not affect our neighbors on Mittower Rd.

We respect the requests of our neighbors in this district, but feel that since commercial uses have been allowed on the eastside of Highway 93 there should also be commercial uses allowed on the west side. Our location between Mittower and Highway 93 leaves us in a position different than that of the other petitioners. As Highway 93 is expanded to a four lane or five lane, the noise and traffic will make the land next to the highway undesirable for residential purposes.

PROPERTY OWNERS:

INDEX 2 Gary R Ince

Gary R Ince

INDEX 3 Gary R Ince

Gary R Ince

INDEX 4 Raymond aka Raymond K and Angelika Joy

Raymond Joy Angelika Joy

INDEX 16 Raymond aka Raymond K and Angelika Joy

Raymond K Joy Angelika Joy

INDEX 17 ~~and Schurman~~ and Juliann S Crockett

Juliann S Crockett

Sign this 4 day of March 1993
Notary Public for the State of
Montana, residing at Stevensville. My
Commission expires 9-20-95

SECTION 8 T8N R20W

Index 3 Gary R Ince
Index 2 Gary R Ince
Index 13 John J & Marjorie A Crawford
Index 4 Raymond AKA Raymond W & Angelika Joy
Index 16 Raymond AKA Raymond W & Angelika Joy
Index 17 Opal D Schurian & Juliann S Crockett
Death 1st

SECTION 7 T8N R20W

(no last name)
Index 2 2 B Ranch ✓
Index 1 2 B Ranch ✓
Index 3 Big Creek Ranch ✓
Index 4 Big Creek Ranch ✓
Index 24 Patricia L Stanbery ✓
Index 11 Dorothy M Springer ✓
Index 12 Stuart Lawrence & Melody Kidd Lozon
Index 13 George H & Mary E Hershberger
Index 14 George H & Mary E Hershberger
Index 16 Charles & Marie Lindahl ✓
Index 20 Peter H & Betty L & P Kent Dimsha
Index 19 Peter H & Betty L & P Kent Dimsha
Index 5 Wayne L & Sandra Myers
Index 17 Jim & Gina Marie Swanson
Index 18 Irvin Severson ✓
Index 23 Stanley A & Debra K Kastens
Index 21 Stanley A & Debra K Kastens
Index 15 Charles R Melaney ✓
Index 24 Patricia L Stanbery Duplicate

SECTION 18 T8N R20W

(no m.)
Index 2 Patricia L Stanbery ✓
Index 27 Patricia L Stanbery ✓
Index 16 Big Creek Ranch (D & J Langton Partnership)
Index 6 Big Creek Ranch (N. Louise, Jeffrey H & Brian R Langton) ✓
Index 14 Dorothy Springer ✓
Index 15 Chinkook & Rebecca Swindle
Index 12 Thomas M & Katherine T Hanson
Index 1 Karyl Jean Nichols Arndt ✓

SECTION 17 T8N R20W

Index 3 Brian & Karen T Langton
Index 2 Big Creek Ranch ✓

I, Betty T. Lund, Ravalli County Clerk & Recorder, do hereby certify that the above listing of freeholders, numbering 41, that are shown on our records for the legal description given to us by the Mittower Road Zoning people.

Dated this 8th day of December, 1992

Betty T. Lund

